

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services – Allegation of corruption against Sri B.Seshagiri Rao, formerly Office Superintendent, O/o the M.R.O., Vemsoor Mandal, Khammam District – Convicted – Dismissed from service – Criminal Appeal filed in the High Court – Judgment of the High Court dated 27.01.2012 in Criminal Appeal.No.205/2005 – Re-induction into service – Orders - Issued.

REVENUE (VIGILANCE.VI) DEPARTMENT

G.O.Ms.No.338.

Dated: 24.05.2012.
Read the following:-

1. G.O.Ms.No.507, Revenue (Ser.III) Department, dated: 28.07.2000.
2. Judgment of the Spl. Judge for SPE & ACB cases, Hyderabad in C.C.No.24 of 2000, dated: 15.02.2005.
3. G.O.Ms.No.1292, Revenue (Vig.VI) Department, dated: 01.07.2005.
4. Order of the A.P.A.T., Hyderabad dated: 12.02.2008 in O.A.No.3911/06.
5. Interim Order of the High Court dated: 02.09.2009 in W.P.M.P.No.23906/09
6. in W.P.No.18265/09.
7. Judgment of the High Court dated: 27.01.2012 in Cr.Appeal.No.205/05.
8. From the D.G., A.C.B., Hyderabad, Lr.Rc.No.175/RCT-WKH/1999, dated: 03.04.2012.
9. Reprn. of Sri B.Seshagiri Rao, Deputy Tahsildar, dated: 11.04.2012.

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ORDER:

Whereas Sri B.Seshagiri Rao, formerly Office Superintendent, O/o the Mandal Revenue Officer, Vemsoor Mandal, Khammam District was convicted and sentenced to undergo rigorous imprisonment for a period of one year and also to pay a fine of Rs.1,000/-, in default simple imprisonment for three months for the offence under Section 7 of Prevention of Corruption Act, 1988 and rigorous imprisonment for a period of two years and also to pay a fine of Rs.2,000/-, in default simple imprisonment for six months for the offence under section 13(2) read with section 13(1)(d) of Prevention of Corruption Act, 1988 by the Court of Principal Special Judge for SPE and ACB cases, Hyderabad in C.C.No.24/2000, dated 27.01.2012;

2. And whereas, aggrieved by the conviction orders, Sri B.Seshagiri Rao, formerly Office Superintendent, O/o the Mandal Revenue Officer, Vemsoor Mandal, Khammam District filed Criminal Appeal.No.24/2000 before the High Court.

3. And whereas, it was considered that the conduct of the said Sri B.Seshagiri Rao, formerly Office Superintendent, O/o the Mandal Revenue Officer, Vemsoor Mandal, Khammam District which led to his conviction is such as to render his further retention in the public service undesirable. Accordingly, orders were issued dismissing Sri B.Seshagiri Rao, formerly Office Superintendent, O/o the Mandal Revenue Officer, Vemsoor Mandal, Khammam District from service vide G.O. 3rd read above.

4. And whereas, aggrieved by the dismissal orders, Sri B.Seshagiri Rao, formerly Office Superintendent, O/o the Mandal Revenue Officer, Vemsoor Mandal, Khammam District filed O.A.No.3911/06 before the Andhra Pradesh Administrative Tribunal and the Hon'ble Tribunal in its order 4th read above set aside the impugned orders issued in the G.O. 3rd read above and directed the respondents to re-induct the applicant forthwith giving liberty to pass appropriate orders under Rule-8(2)(b) of the Andhra Pradesh Civil Services (CC&A) Rules, 1991, if so they desire.

5. And whereas, Government have examined the issue and challenged the order of the Andhra Pradesh Administrative Tribunal dated 12.02.2008 in

O.A.No.3911/06 before the High Court and the Hon'ble High Court in its interim order 5th read above has suspended the orders of the Andhra Pradesh Administrative Tribunal dated 12.03.2008 in O.A.NO.3911/06, pending disposal of the W.P.No.18265/09.

6. And whereas, the Hon'ble High Court, in its judgment dated 27.01.2012, while observing that the prosecution failed to prove the guilt of the Accused Officer beyond reasonable doubt and the conclusions drawn and the reasons assigned by the Trial Court in convicting the Accused Officer are not tenable, has allowed the Cr.Appeal.No.205/2005 filed by Sri B.Seshagiri Rao, formerly Office Superintendent, O/o the Mandal Revenue Officer, Vemsoor Mandal, Khammam District and set aside the judgment of the Principal Special Judge for SPE & ACB Cases, Hyderabad dated 15.02.2005 in C.C.No.24/2000 and acquitted the Accused Officer of the charges.

7. And whereas, the Director General, Anti Corruption Bureau, in his letter 7th read above, while furnishing a copy of the judgment of the High Court dated 27.01.2012 in Cr.Appeal.No.205/2005, has stated that the Bureau is of the opinion that there are no grounds to prefer an appeal in the Supreme Court of India against the order of the High Court.

8. And whereas, Sri B.Seshagiri Rao, Deputy Tahsildar, in his representation 8th read above, while mentioning the brief facts of the case leading to registration of Anti Corruption Bureau case, his conviction in the Trial Court and consequential dismissal orders by the Government, has represented that he had filed Cr.Appeal.No.205/05 in the High Court against the orders of the Trial Court and the Hon'ble High Court in its judgment dt. 27.01.2012 in Cr.A.No.205/05 set aside the judgment of the Trial Court 15.02.2005 in C.C.No.24/2000 duly acquitting him from the case. He has, therefore, requested the Government to issue orders re-inducting him into duty and to regularize the suspension and dismissal period as "duty" as he is due for retirement on attaining the age of superannuation on 30.09.2012.

9. Government, after careful examination of the matter, hereby decide to re-induct Sri B.Seshagiri Rao, formerly Office Superintendent, O/o the Mandal Revenue Officer, Vemsoor Mandal, Khammam District into service, pending outcome of the final order of the Hon'ble High Court in W.P.No.18265/09. Since the dismissal / suspension were due to his alleged involvement in a criminal case and therefore cannot be termed as "wholly unjustified". Government regularize his suspension and dismissal periods as "Not on Duty". But the said periods shall count for the purpose of notional increments, pay fixation, leave, qualifying service for promotion etc.

10. The Special Chief Secretary and Chief Commissioner of Land Administration, A.P., Hyderabad / the Collector, Khammam District shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Special Chief Secretary &
Chief Commissioner of Land Administration, A.P., Hyderabad.
The District Collector, Khammam.

Copy to:

1. The Individual. (through the District Collector, Khammam)
2. The Director General,
Anti Corruption Bureau, A.P., Hyderabad.
3. The Accountant General, A.P., Hyderabad.
4. The District Treasury Officer, Khammam.
5. SF / SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER